

Introduced by Senator Alarcon

February 21, 2003

An act to amend Sections 52122, 52123, 52124, and 52126 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 837, as introduced, Alarcon. Class size reduction.

Existing law establishes the Class Size Reduction Program in which participating school districts are provided funding for reducing class size to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive.

This bill would authorize a school district participating in the program to increase the permissible class size ratio to an average class size of 25 pupils per each class if the teacher assigned to the class holds a valid teaching credential and is not serving pursuant to a waiver, emergency permit, preintern certificate, or an intern certificate or credential.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52122 of the Education Code is
2 amended to read:
3 52122. (a) Except as otherwise provided by Section 52123,
4 ~~any~~ a school district that maintains ~~any~~ kindergarten or any of
5 grades 1 to 3, inclusive, may apply to the Superintendent of Public
6 Instruction for an apportionment to implement a class size



1 reduction program in that school district in kindergarten and any
2 of the grades designated in this chapter 1 to 3, inclusive.

3 (b) An application submitted pursuant to this chapter shall
4 identify both of the following:

5 (1) Each class that will participate in the Class Size Reduction
6 Program.

7 (2) For each class that will participate in the Class Size
8 Reduction Program, whether that class will operate under Option
9 One or Option Two:

10 (A) (i) Option One: A school district shall provide a reduced
11 class size for all pupils in each classroom for the full regular
12 schoolday in each grade level for which funding is claimed. For the
13 purposes of this chapter, “full regular schoolday” means a
14 substantial majority of the instructional minutes per day, but shall
15 permit limited periods of time during which pupils are brought
16 together for a particular phase of education in groups that are larger
17 than 20 pupils per certificated teacher. It is the intent of the
18 Legislature that those limited periods of time be kept to a minimum
19 and that instruction in reading and mathematics not be delivered
20 during those limited periods of time. For the purposes of this
21 subparagraph, “class” is defined in the same manner as provided
22 in the regulations adopted by the Superintendent of Public
23 Instruction prior to July 1, 1996, pursuant to Sections 41376 and
24 41378 (subdivision (a) of Section 15103 of Title 5 of the California
25 Code of Regulations).

26 (ii) The purpose of the Class Size Reduction Program is to
27 ensure that children in public school in kindergarten and grades 1
28 to 3, inclusive, receive instruction in classrooms ~~where~~ *in which*
29 there are not more than 20 pupils. Except as provided in
30 subdivision ~~(h)~~ *(e)*, in order to qualify for funding pursuant to this
31 chapter, each class in the Class Size Reduction Program shall be
32 maintained with an annual average class size of not more than 20
33 pupils for the instructional time that qualifies the class for funding
34 pursuant to this chapter. ~~Nothing in this chapter shall be~~
35 ~~construed to~~ *does not* prohibit the class size from exceeding 20
36 pupils on any particular day, ~~provided that if~~ *if* the average class size
37 for the school year does not exceed 20.

38 *If the teacher assigned to the reduced size class holds a valid*
39 *teaching credential, the annual average class size may not exceed*
40 *more than 25 pupils for the instructional time that qualifies the*

1 *class for funding pursuant to this chapter. If the teacher holds that*
 2 *certificate, this chapter does not prohibit the class size from*
 3 *exceeding 25 pupils on any particular day if the average class size*
 4 *for the school year does not exceed 25 pupils. For purposes of this*
 5 *subparagraph, a teacher who holds a valid teaching credential is*
 6 *one who is not serving pursuant to a waiver, emergency permit,*
 7 *preintern certificate, or an intern certificate or credential.*

8 (B) (i) Option Two: A school district shall provide a reduced
 9 class size for all pupils in each classroom for at least one-half of
 10 the instructional minutes offered per day in each grade level for
 11 which funding is claimed. ~~School districts~~ *A school district*
 12 *selecting this option shall primarily devote those instructional*
 13 *minutes to the subject areas of reading and mathematics. For the*
 14 *purposes of this subparagraph, “class” is defined in the same*
 15 *manner as provided in the regulations adopted by the*
 16 *Superintendent of Public Instruction prior to July 1, 1996,*
 17 *pursuant to Sections 41376 and 41378 (subdivision (a) of Section*
 18 *15103 of Title 5 of the California Code of Regulations).*

19 (ii) The purpose of the Class Size Reduction Program is to
 20 ensure that children in public school in kindergarten and grades 1
 21 to 3, inclusive, receive instruction in classrooms ~~where~~ *in which*
 22 *there are not more than 20 pupils. Except as provided in*
 23 *subdivision (A) (e), in order to qualify for funding pursuant to this*
 24 *chapter, each class in the Class Size Reduction Program shall be*
 25 *maintained with an annual average class size of not more than 20*
 26 *pupils for the instructional time that qualifies the class for funding*
 27 *pursuant to this chapter. ~~Nothing in this~~ This chapter shall be*
 28 *construed to does not prohibit the class size from exceeding 20*
 29 *pupils on any particular day, provided that if the average class size*
 30 *for the school year does not exceed 20.*

31 *If the teacher assigned to the reduced size class holds a valid*
 32 *teaching credential, the annual average class size may not exceed*
 33 *more than 25 pupils for the instructional time that qualifies the*
 34 *class for funding pursuant to this chapter. If the teacher holds that*
 35 *credential, this chapter does not prohibit the class size from*
 36 *exceeding 25 pupils on any particular day if the average class size*
 37 *for the school year does not exceed 25 pupils. For purposes of this*
 38 *subparagraph, a teacher who holds a valid teaching credential is*
 39 *one who is not serving pursuant to a waiver, emergency permit,*
 40 *preintern certificate, or an intern certificate or credential.*

~~(c) A school district that intends to implement a class size reduction program for the 1996-97 school year shall submit an application for funds pursuant to this chapter to the Superintendent of Public Instruction not later than November 1, 1996. To receive the total amount of funding in the 1996-97 school year for which the school district is eligible pursuant to Section 52126, a school district shall implement the Class Size Reduction Program by February 16, 1997, within the meaning of paragraph (2) of subdivision (b).~~

~~(d) A school district that intends to implement or continue to implement a class size reduction program for the 1997-98 school year and any subsequent school year shall submit an application for funding pursuant to this chapter to the Superintendent of Public Instruction not later than 90 days after the annual Budget Act is chaptered, unless otherwise specified in regulations adopted by the State Board of Education.~~

~~(e) For the 1997-98 school year, a school district that is either implementing or expanding a class size reduction program pursuant to this chapter may receive funding pursuant to this chapter even if the new classes for which funding is sought are not implemented at the beginning of the 1997-98 school year, provided that, for each new class in the Class Size Reduction Program, all of the following criteria are met:~~

~~(1) The teacher for each new class is hired and placed on the school district's payroll by November 1, 1997.~~

~~(2) Each teacher for a new class has begun to receive the training required by this chapter on or before February 16, 1998.~~

~~(3) All other requirements of this chapter are satisfied by February 16, 1998, and continue to be satisfied for the remainder of the 1997-98 school year.~~

~~(f) For the 1997-98 school year, the number of new classes in the Class Size Reduction Program is the number of classes satisfying the requirements of this chapter minus the number of classes funded in the Class Size Reduction Program pursuant to this chapter in the 1996-97 school year.~~

~~(g)~~

~~(d) Any school district that chooses to reduce reduces class size through the use of an early-late instructional program is ineligible to also use Section 46205, relating to the computation of instructional time for purposes of the Incentive for Longer~~

Instructional Day and Year, in any grade level for which class size reduction funding is received pursuant to this chapter; ~~provided, however, that any.~~ Any school district that operated under Section 46205 prior to July 1, 1996, may receive class size reduction funding pursuant to Option One in any grade level for which class size reduction funding would otherwise be received pursuant to Option One.

(e)

~~(h)~~(1) Notwithstanding any other provision of law, a school district that maintains only one school serving pupils in kindergarten and grades 1 to 3, inclusive, is eligible to receive funding under this section on behalf of the school if there are no more than two classes per participating grade level and the average class size is no more than 20 pupils in each of the classes participating in class size reduction at that schoolsite. For purposes of this subdivision, average class size may be determined by calculating the total number of pupils enrolled in all classes at all grade levels in a school that will participate in the Class Size Reduction Program divided by the total number of classes in the school. The ratio of pupils to teacher in any class included in the average shall not exceed the 20 to 1 standard by more than two pupils.

(2) As a condition of applying for funding under this subdivision, a governing board shall make a public declaration, either by adopting a resolution or by issuing a statement in a publicly noticed open meeting, that it has exhausted all possible alternatives to averaging and is unable to achieve the 20 to 1 pupil-teacher ratio in a way that is educationally acceptable.

SEC. 2. Section 52123 of the Education Code is amended to read:

52123. ~~A~~ *The application of a school district's application* ~~district~~ for funding to implement a program pursuant to this chapter shall include ~~the district's~~ certification of each of the following items as a condition to receiving ~~any~~ *an* apportionment under Section 52126:

(a) Certification of the number of classes in each eligible grade level selected for a class size reduction apportionment pursuant to this chapter.

(b) Certification of pupil enrollment, as of October of the previous calendar year, in each class selected for class size

1 reduction pursuant to subdivision (a). Classes comprised of special
2 education pupils enrolled in special day classes on a full-time basis
3 ~~shall~~ may not be included in this program. ~~School districts~~ A school
4 district may not claim funding pursuant to this chapter for ~~any~~ a
5 pupil who is enrolled in independent study pursuant to Article 5.5
6 (commencing with Section 51745) of Chapter 5 of Part 28 for the
7 full regular schoolday nor may a school ~~districts~~ district claim
8 funding pursuant to this chapter for ~~any~~ a pupil for any portion of
9 the full regular day that the pupil is enrolled in independent study
10 pursuant to that article. ~~Charter schools~~ A charter school may not
11 claim funding pursuant to this chapter for ~~any~~ a pupil who is
12 enrolled in a program of home study for the full regular schoolday
13 nor may a charter ~~schools~~ school claim funding for ~~any~~ a pupil for
14 any portion of the full regular schoolday that the pupil is enrolled
15 in a program of home study.

16 (c) (1) Except as provided in paragraph (2), certification that
17 a certificated teacher has been hired by the school district and is
18 providing direct instructional services to each class selected for
19 class size reduction pursuant to this chapter and that there are not
20 more than 20 pupils per each class *or 25 pupils per each class if*
21 *the teacher assigned to the class holds a valid teaching credential*
22 *and is not serving pursuant to a waiver, emergency permit,*
23 *preintern certificate, or an intern certificate or credential.*

24 (2) In a school district that applies for funding pursuant to
25 subdivision ~~(h)~~ (e) of Section 52122, certification of all of the
26 following:

27 (A) A certificated teacher has been hired by the school district
28 and is providing direct instructional services to each class selected
29 for class size reduction pursuant to this chapter.

30 (B) The ratio of pupils to teacher does not exceed the 20 to 1
31 standard ratio by more than two pupils, *or 25 to 1 more than two*
32 *pupils if the teacher assigned to the class holds a valid teaching*
33 *credential and is not serving pursuant to a waiver, emergency*
34 *permit, preintern certificate, or an intern certificate or credential.*

35 (3) For the purposes of this subdivision, “class” ~~shall be~~ is
36 defined in the same manner as provided in the regulations adopted
37 by the Superintendent of Public Instruction prior to July 1, 1996,
38 pursuant to Sections 41376 and 41378 (subdivision (a) of Section
39 15103 of Title 5 of the California Code of Regulations).



1 (d) Certification that the school district has a staff development
2 program pursuant to Section 52127 and that the program has been
3 approved by the governing board of the school district.

4 (e) Certification that the school district will collect and
5 maintain any data required by the Superintendent of Public
6 Instruction that will aid in the evaluation of the Class Size
7 Reduction Program. The data shall include, but not be limited to,
8 individual test scores or other records of pupil achievement. ~~Any~~
9 ~~data~~ Data collected shall be protected in a manner that will not
10 permit the personal identification of any pupil or parent.

11 ~~(f) Commencing with the 1998-99 school year and each school~~
12 ~~year thereafter, certification~~ Certification that each class reduced
13 pursuant to this chapter is housed in either a separate,
14 self-contained classroom or that the space of each class for each
15 grade level at that schoolsite provides a square footage per pupil
16 enrolled in each class that is not less than the average square
17 footage per pupil enrolled in those grade levels at that schoolsite
18 in the 1995-96 school year.

19 SEC. 3. Section 52124 of the Education Code is amended to
20 read:

21 52124. (a) Any school district that implements a Class Size
22 Reduction Program pursuant to this chapter is subject to this
23 section.

24 (b) A school district may establish a program to reduce class
25 size in kindergarten and grades 1 to 3, inclusive, and that program
26 shall be implemented at each schoolsite according to the following
27 priorities:

28 (1) If only one grade level is reduced at a schoolsite, the grade
29 level shall be grade 1.

30 (2) If only two grade levels are reduced at a schoolsite, the
31 grade levels shall be grades 1 and 2.

32 (3) If three grade levels are reduced at a schoolsite, then those
33 grade levels shall be kindergarten and grades 1 and 2 or grades 1
34 to 3, inclusive. Priority shall be given to the reduction of class sizes
35 in grades 1 and 2 before the class sizes of kindergarten or grade 3
36 are reduced.

37 (4) If four grade levels are reduced at a schoolsite, then those
38 grade levels shall be kindergarten and grades 1 to 3, inclusive. First
39 priority shall be given to the reduction of class sizes in grades 1 and
40 2, second priority shall be given to the reduction of class size in

1 kindergarten and grade 3. This paragraph shall be operative only
2 in those fiscal years for which funds are appropriated expressly for
3 the purposes of this paragraph.

4 (c) It is the intent of the Legislature to continue to permit the
5 use of combination classes of more than one grade level to the
6 extent that school districts are otherwise permitted to use that
7 instructional strategy. However, any school district that uses a
8 combination class in any class for which funding is received
9 pursuant to this chapter may not claim funding pursuant to this
10 chapter if the total number of pupils in the combination class,
11 regardless of grade level, exceeds 20 pupils per certificated teacher
12 assigned to provide direct instructional services *or 25 pupils if the*
13 *teacher assigned to provide direct instructional services holds a*
14 *valid teaching credential and is not serving pursuant to a waiver,*
15 *emergency permit, preintern certificate, or an intern certificate or*
16 *credential.*

17 (d) The governing board of a school district shall certify to the
18 Superintendent of Public Instruction that it has met the
19 requirements of this section in implementing its Class Size
20 Reduction Program. If a school district receives funding pursuant
21 to this chapter but has not implemented its Class Size Reduction
22 Program for all grades and classes for which it received funding
23 pursuant to this chapter, the Superintendent of Public Instruction
24 shall notify the Controller and the school district in writing and the
25 Controller shall deduct an amount equal to the amount received by
26 the school district under this chapter for each class that the school
27 district failed to reduce to a class size of 20 or less pupils, *or 25*
28 *pupils, as appropriate,* from the school district's next principal
29 apportionment or apportionments of state funds to the district,
30 other than basic aid apportionments required by Section 6 of
31 Article IX of the California Constitution.

32 SEC. 4. Section 52126 of the Education Code is amended to
33 read:

34 52126. The amount of funding that each school district
35 implementing a Class Size Reduction Program pursuant to this
36 chapter is eligible to receive shall be computed as follows:

37 (a) If a school district applies to participate in Option One,
38 pursuant to subparagraph (A) of paragraph (2) of subdivision (b)
39 of Section 52122, the Superintendent of Public Instruction shall
40 apportion to the applicant school district an amount equal to eight

1 hundred dollars (\$800) for each pupil actually enrolled in the
 2 classes in which the school district implements the program,
 3 except that the maximum number of pupils for which a school
 4 district may claim funding for any class ~~shall~~ *may not exceed 20,*
 5 *or 25 pupils if the teacher assigned to the class holds a valid*
 6 *teaching credential and is not serving pursuant to a waiver,*
 7 *emergency permit, preintern certificate, or an intern certificate or*
 8 *credential.* The number of pupils claimed pursuant to this
 9 subdivision shall be pupils actually enrolled in classes
 10 participating in the Class Size Reduction Program and shall not be
 11 based on the average size of the classes for any grade levels for
 12 which funding is claimed.

13 (b) If a school district applies to participate in Option Two,
 14 pursuant to subparagraph (B) of paragraph (2) of subdivision (b)
 15 of Section 52122, the Superintendent of Public Instruction shall
 16 apportion to the applicant school district an amount equal to four
 17 hundred dollars (\$400) per pupil actually enrolled in the classes in
 18 which the school district implements the program, except that the
 19 number of pupils in any class for which a school district may claim
 20 funding for the instructional minutes offered ~~shall~~ *may not exceed*
 21 *20, or 25 pupils if the teacher assigned to the class holds a valid*
 22 *teaching credential and is not serving pursuant to a waiver,*
 23 *emergency permit, preintern certificate, or an intern certificate or*
 24 *credential.* The number of pupils claimed pursuant to this
 25 subdivision shall be pupils actually enrolled in classes
 26 participating in the Class Size Reduction Program and shall not be
 27 based on the average size of the classes for any grade levels for
 28 which funding is claimed.

29 ~~(c) (1) If a school district applies to participate in Option One,~~
 30 ~~pursuant to subparagraph (A) of paragraph (2) of subdivision (b)~~
 31 ~~of Section 52122, the Superintendent of Public Instruction shall~~
 32 ~~apportion to the applicant school district an amount equal to six~~
 33 ~~hundred fifty dollars (\$650) for each pupil actually enrolled in the~~
 34 ~~classes in which the school district implements the program and at~~
 35 ~~least one of the following conditions exists:~~

36 ~~(A) The requirements of subdivision (c) of Section 52122 have~~
 37 ~~been satisfied, except for the requirements of either paragraph (1)~~
 38 ~~or (2), of that subdivision, or both.~~

39 ~~(B) The pupil enrolls in the school district after February 16,~~
 40 ~~1998.~~

~~(2) The maximum number of pupils for which a school district may claim funding for any class does not exceed 20. The number of pupils claimed pursuant to this subdivision shall be pupils actually enrolled in classes participating in the Class Size Reduction Program, and shall not be based on the average size of the classes for any grade levels for which funding is claimed.~~

~~(d) (1) If a school district applies to participate in Option 2, pursuant to subparagraph (B) of paragraph (2) of subdivision (b) of Section 52122, the Superintendent of Public Instruction shall apportion to the applicant district an amount equal to three hundred twenty-five dollars (\$325) for each pupil actually enrolled in the classes in which the school district implements the program and at least one of the following conditions exists:~~

~~(A) The requirements of subdivision (e) of Section 52122 have been satisfied, except for the requirements of either paragraph (1) or (2) of that subdivision, or both.~~

~~(B) The pupil enrolls in the school district after February 16, 1998.~~

~~(2) The maximum number of pupils for which a school district may claim funding for any class shall not exceed 20. The number of pupils claimed pursuant to this subdivision shall be pupils actually enrolled in classes participating in the Class Size Reduction Program, and shall not be based on the average size of the classes for any grade levels for which funding is claimed.~~

~~(e)–~~

~~(c) The per pupil amount set forth in subdivisions (a) and (b) shall be increased annually for inflation by the percentage change determined pursuant to subdivision (b) of Section 42238.1.~~

~~(f)–~~

~~(d) Except for the advance apportionment, the Superintendent of Public Instruction shall apportion funds to a school district only after certification that its Class Size Reduction Program has been implemented for that fiscal year.~~

~~(g)–~~

~~(e) The Superintendent of Public Instruction shall apportion funds for this program in the following manner:~~

~~(1) An advance apportionment shall be made following passage of the annual Budget Act. This apportionment shall be provided to all school districts that participated in the program in the prior fiscal year; and shall be limited to 25 percent of the~~

1 amount computed by multiplying the appropriate per pupil
2 stipends times the actual enrollment in each participating class in
3 the prior fiscal year, as reported by the district pursuant to
4 subdivision (d) of Section 52124.

5 (2) Each year an apportionment to all applicants shall be made
6 following receipt of applications submitted pursuant to Section
7 52123, adjusted as necessary by the amount received pursuant to
8 paragraph (1). If a school district that participated in this program
9 in the prior fiscal year fails to submit an application, all funds
10 apportioned to that school district pursuant to paragraph (1) shall
11 be deducted from the ~~district's~~ next monthly principal
12 apportionment payment *received by the district*.

13 (3) A final adjustment to the amounts paid pursuant to
14 paragraph (2) shall be made following receipt of the actual
15 enrollment in each participating class, to be reported by each
16 school district pursuant to subdivision (d) of Section 52124.

17 ~~(h)–~~

18 (f) Irrespective of the amount that a school district receives
19 pursuant to subdivision (a) on the basis of the application it makes
20 under Section 52123, that district ~~shall~~ *may* not retain any funds
21 it receives for any class that does not actually meet all of the
22 requirements of the Class Size Reduction Program.

23 ~~(i)–~~

24 (g) It is the intent of the Legislature that the total statewide
25 amount computed for the purposes of this chapter pursuant to this
26 section, commencing with the 1997–98 fiscal year, be
27 appropriated to the Superintendent of Public Instruction in the
28 annual Budget Act.

